

INDEX—DIGEST

- Acceptance
 - See *Offer and Acceptance*
- Accident
 - See *Insurance*
- Accord and Satisfaction
 - Liability of debtor on an executory accord 82
- Administrative Law
 - See also *Public Officers, Constitutional Law, International Law, Quo Warranto*
 - Immunity of governmental agency from suit 283
 - Judicial non-interference with findings of fact of commission 413
 - Liability of bond commissioner for loss of public funds 290
 - Power of courts to review administrative decisions 735
- Admiralty
 - Assumption of risk in maritime law 280
 - Extent of admiralty jurisdiction in relation to application of workmen's compensation acts 283
 - Lien on ship for non-acceptance of freight 744
 - Loss of action for wrongful death after reliance upon unconstitutional statute 625
 - Place of suit in libel *in personam* against United States 839
 - Salvage of one government vessel by another 183
- Adoption
 - Legitimation by adoption as conferring status recognized in foreign jurisdiction 86
- Advancements
 - See *Wills*
- Adverse Possession
 - Adverse possession in case of tenants in common 744
 - Constructive adverse possession of tracts separately described in void deed 839
 - Definition of exclusiveness 199
 - Title by innocent mistaken occupation 510
- Agency
 - Capacity of infant to appoint agent 295
 - Forwarding agents: nature of 615
 - Independent contractor: tort liability of 290
 - Liability of master for injury to invitee 195
- Aliens
 - Effect of marriage to American citizen of alien woman ordered to be deported 840
 - Eligibility of Japanese to citizenship 510
 - Eligibility of Hindu to citizenship 625
 - Naturalization: appeal from hearing before city court 733
 - Refusal of State Department to issue passport on ground of expatriation as conclusive on court on question of citizenship 195
 - Right of Alien Enemy Property Custodian to take possession after declaration of peace of alien enemy property which has been demanded before "the end of the war" 405
- Alimony
 - See *Marriage and Divorce*
- Animals
 - Validity of ordinance providing against goats being left within fifty feet of a dwelling house 280
- Anti-Trust Laws
 - Contracts in restraint of trade 514
 - Resale price maintenance 676-705
- Appeal and Error
 - Right of state to retrial in criminal cases 93
- Appointment
 - See *Powers*
- Army and Navy
 - Engagement in military service in time of war as bar to recovery on insurance policy, though death is caused by accident 94
 - Reforms in system of military justice 146-155
- Assignments
 - Assignability of easements in gross 813
- Assumption of Risk
 - Assumption of risk in maritime law 280
 - Distinction between assumption of risk and contributory negligence 193
- Attachment
 - Rehypothecation of securities by pledgee as "debt fraudulently contracted," giving pledgor power to attach property of pledgee 183
- Attorneys
 - Applicability of *in pari delicto* theory to attorney and client 745
 - Liability of attorney for damages proximately resulting from negligent performance of professional duties 279
 - Liability of community property for payment of attorney's fee 626
 - Practice of law by corporations 512

Attractive Nuisance		tions: failure to use safety devices	
See <i>Negligence</i>			413
Automobiles		Duty of bank to set off deposits of indorser	284
Application of law of nuisance to unregistered automobiles	394	Power of collecting bank to charge back checks with forged indorsement	615
Contributory negligence of passenger in automobile	192	Liability of creditor who <i>bona fide</i> receives converted money from embezzler in payment of debt	195
Liability of owner of automobile for injuries to driver's guest	195	Right of drawer to recover proceeds of forged checks from one who receives payment from drawee bank	837
Liability of owner to forfeit automobile carrying intoxicating liquors in violation of statute	197	Liability to bank of maker of note for purpose of puffing its assets	730
Aviation		Reacquisition by holder with notice of fraud after indorsement to innocent indorsee	510
Hydro-aeroplane as "floating structure"	196	Revocability of certification on checks	733
Bailments		Rights of holder of certificate of deposit issued by bank cashier for his personal benefit, and for which no funds have been deposited	82
Consideration for promises by a gratuitous bailee	609	Boundaries	
Liability of gratuitous bailee	849	Determination of boundaries by bank of river	627
Bankruptcy		Brokers	
Classification governed by occupation at date of act of bankruptcy	184	Conversion by stockbroker of money received for purchase of stock on margin: larceny	286
Priority of wages due managers of corporation	400	Liability of owner upon revocation, by sale, of authority of real estate broker employed for indefinite period	735
Rescission for fraud and preference in bankruptcy	267	Business Trusts	
Right of trustee in bankruptcy to recover gaming losses	744	See <i>Voluntary Associations</i>	
Validity of contract to procure election of trustee in bankruptcy	401	Cancellation and Reformation of Instruments	
Banks and Banking		Right of grantor to cancel deed delivered to agent in escrow	414
Check: certification by telegram	295	Carriers	
Checks: liability of drawer for alterations: failure to use safety devices	413	Apportionment of joint rates under Transportation Act, 1920	625
Duties of banks as depositaries of trust funds	377, 744	Construction of statute regulating liability for negligence	745
Duty of bank to set off deposits of indorser	284	Contract of hire constituting common carrier	841
Liability of bank for stolen securities gratuitously deposited for safe keeping	849	Forwarding agents: nature of	615
Liability of banks on special deposits	410	Innovations under Transportation Act, 1920	658-675
Liability of maker of note to bank for purpose of puffing its assets	730	—: consolidation of railroads into limited systems	658
Power of collecting bank to charge back checks with forged indorsement	615	—: establishment of labor and adjustment boards	661
Revocability of certification on checks	733	—: securing fair return on capital	666
Right of drawer to recover proceeds of forged check from one who receives payment from drawee bank	837	Liability of terminal carrier for damage occasioned on connecting line	84
Rights of holder of certificate of deposit issued by cashier for personal benefit, and for which no funds have been deposited	82	Limitation of carrier's liability for negligent diversion of goods carried at owner's risk	85
Special damages for breach by bank of "line of credit" contract	499	Limitation of liability	500
Specific deposits to meet interest payments as trust fund	851	Misquotation of interstate rates	734
Bills and Notes		Proprietor of amusement device as common carrier	841
Checks: certification by telegram	295		
Checks: liability of drawer for alterations: failure to use safety devices	413		

Recapture of earnings provisions of the Transportation Act, 1920 213-223

Certiorari
History of the writ of *certiorari* 528

Charitable Trusts and Corporations
Validity of trust to bring about changes in existing laws 295

Chattel Mortgages
Distinction between chattel mortgages and conditional bills of sale 602

Checks
See *Bills and Notes, Banks and Banking*

Citizens
See *Nationality*

Codes
Joinder of actions and of parties 384
The civil code of Soviet Russia 779-789

Commerce
Co-operative marketing 819

Community Property
See also *Husband and Wife*
Liability of community property for payment of attorney's fees 626

Comparative Law
Law and legislation in the Union of South Africa 224-232
The civil code of Soviet Russia 779-789

Composition with Creditors
See *Bankruptcy*

Conditions Subsequent
Impossibility of performing condition subsequent as excusing performance of contract 285

Conditional Sales
See *Sales*

Conflict of Laws
Full faith and credit to *ex parte* foreign divorce decrees 732
Legitimation by adoption as conferring status recognized in foreign jurisdiction 86
Polygamy and the conflict of laws 471
Recognition of divorce granted in foreign countries 842
Specific performance against non-resident defendant of contract for sale of land situated in foreign state 192
Statute of frauds and the conflict of laws 311-338
—: English law 311
—: American law 314
—: Continental law 318
Suit upon contract to purchase land cognizable at situs 189
Suits in court of state of which neither party is resident 747

Consideration
A promise with "option to cancel" as valuable consideration 496
Consideration for promises by gratuitous bailee 609
Information as valuable consideration 93

Conspiracy
Conspiracy to commit criminal syndicalism 626
Homicide committed in the course of a conspiracy 500
Punishment for conspiracy greater than for the crime to be committed 414
Substitution of prisoner as conspiracy 511

Constitutional Law
Admission by federal court of evidence illegally seized by state officer 285
Advocacy of overthrow of government by force 295
Apportionment of joint rates under Transportation Act, 1920 625
Collection of penalty as "tax" on liquor 617
Commencement of interstate journey 849
Compulsory payment of opponent's attorney's fee 401
Constitutionality of statute providing for censorship of "current event" motion pictures 185
Constitutionality of zoning laws 833
Eligibility of Japanese to citizenship 510
Eligibility of Hindu to citizenship 625
"Going concern value" in rate-making 507
Illegal Search and Seizure: admissibility of evidence obtained by 745
Impairing obligation of contract 511
Judicial review of state legislation by federal courts 15-28
Judicial non-interference with findings of fact of commission 413
Legal search and arrest under eighteenth amendment 490
Marriage to American citizen by alien woman ordered to be deported 840
Necessity of definiteness in statute imposing criminal liability 291
Power of courts to review administrative decisions 735
Retroactive statutes: constitutionality of 400
Relief from double taxation of personal incomes 757-778
—: reliefs depending on limitations of jurisdictions 757
—: the personal aspect of income taxation 760
—: the property aspect of income taxation 762
—: the excise aspect of income taxation 764
—: voluntary reliefs from double income taxation 769
—: relief from double income tax in British Empire 770
—: relief from double income tax in United States 774
The minimum wage and liberty of contract 388

- The growth of national power 452-459
 The fifth amendment and the Tucker Act 725
 Validity of statute binding insurance company on application, unless rejected by telegraph within twenty-four hours 413
 Validity of statute authorizing increased compensation to contractors because of war costs 87
 Validity of statute providing for conciliation certificate as condition precedent to trial 616
 Valuation in rate-making 390
 Waiver of trial by jury of twelve men 296
- Contempt**
 Constructive contempt 843
- Contingent Remainders**
 See *Vested, Contingent, and Future Interests*
- Contracts**
 A promise with "option to cancel" as valuable consideration 496
 Amount recoverable for failure of telegraph company to transmit cable transfer of exchange 179
 Applicability of in *pari delicto* theory to attorney and client 745
 Buyer's insolvency as justification for seller's breach of contract 91
 C. i. f. contracts in American law 711
 Contract beneficiaries 790
 —: donee-beneficiaries 792
 —: creditors-beneficiaries 797
 —: right of inhabitant of municipality to sue on contract between municipality and public service corporation 806
 —: contractors' bonds 807
 Co-operative marketing 810
 Damages for breach of contract with alternative promises 618
 Destruction of subject matter by cause unknown to the parties at the time of contract 408
 Election of remedies by seller after anticipatory breach 508
 Implied obligation to pay physician requested to serve third person 186
 Impossibility of performing condition subsequent as excusing performance of contract 285
 Impossibility of performance due to foreign law 844
 Information as valuable consideration 93
 Intention in contracts containing clause for liquidated damages 546
 Liability of debtor on an executory accord 82
 Liability of owner upon revocation, by sale, authority of real estate broker employed for indefinite period 735
 Liability of surety on appeal bond when appeal is abandoned 741
 Mutuality as condition precedent to specific performance of agreement to execute oil lease 200
 Mutuality in actions for specific performance 831
 Nullity of contract made by corporation which has forfeited its charter 187
 Possession as sufficient part performance to take oral contract of purchase of land out of statute of frauds 846
 Privilege of labor union to induce breach of contract 171
 Remedy of buyer upon breach of warranty 739
 Privilege of vendor after refusing to perform, to sell to third person 380
 Seller's liability for breach of implied warranty as surviving acceptance 845
 Silence as acceptance 511
 Specific performance of contract to convey land in consideration of support 89
 Specific performance of contract containing provision to arbitrate 415
 Specific performance of contract to devise in consideration of filial services 415
 Special damages for breach by bank of "line of credit" contract 499
 Validity of contract to procure election of trustee in bankruptcy 401
 Validity of ante-nuptial agreement not to support 626
- Contributory Negligence**
 Contributory negligence of passenger in automobile 192
 Distinction between assumption of risk and contributory negligence 193
 Failure to avert known danger as bar to recovery 416
- Conversion**
 See *Trover and Conversion*
- Conveyances**
 Power to set aside conveyance executed in consideration of support 402
 Presumption of acceptance of beneficial grant 403
- Corporations**
 Duty of disclosure by director purchasing stock from his stockholders 637-644
 Mandamus to compel recognition as officer of private corporation 503
 Nullity of contract made by corporation which has forfeited its charter 187
 Partnership liability of stockholders in *de facto* corporation 402
 Practice of law by corporations 512
 Priority of wages due manager of bankrupt corporation 400
 Right of corporation to sue for libel 187
 Subscription by bank to stock in light-

- ing company 286
- Costs and Fees**
 - Liability of community property for payment of attorney's fees 626
- Cotenancy**
 - Adverse possession in case of tenants in common 744
- Covenants**
 - Covenants against encumbrances 297
 - Effect of changed conditions on restrictive building covenants 287
 - Doctrine of privity of estate in connection with real covenants 123-145
- Courts**
 - Admission by federal court of evidence illegally seized by state officer 285
 - Enforcement by state courts of national prohibition act 512
 - Federal Courts: judicial review of state legislation 15-28
 - Judge: privilege while acting in official capacity 414
 - Jurisdiction of appeal from executive's decision 849
 - Power of appellate court to reduce punishment 619
 - Power of courts to review administrative decisions 735
 - Regression of ecclesiastical jurisdiction 594
 - The limits of judicial discretion 339-352
- Criminal Law**
 - Conspiracy to commit criminal syndicalism 626
 - Constructive presence at *situs* of crime as supporting extradition 287
 - Conversion by stockbroker of money received for purchase of stock on margin: larceny 286
 - Distinction between robbery and extortion 195
 - Distinction between conditional pardon and parole 850
 - Homicide committed in the course of a conspiracy 500
 - Hydro-aeroplane as "floating structure" within meaning of statute making it a misdemeanor to operate such structure on certain lakes 196
 - Larceny by trick distinguished from obtaining property by false pretenses 619
 - Overthrow of government by mass strike as felonious "advocacy of criminal anarchy" 178
 - Power of appellate court to reduce punishment 619
 - Proposed reforms in American criminal law 368-375
 - Punishment for conspiracy greater than for the crime to be committed 414
 - Right of state to retrial in criminal cases 93
 - Substitution of prisoner as conspiracy 511
 - Use of municipal ordinances in the determination of a felony 720
- Crops**
 - Priority of farm laborer's statutory lien over landlord's claim to growing crops 738
- Damages**
 - Amount recoverable for failure of telegraph company to transmit cable transfer of exchange 179
 - Damages recoverable for conversion of bank book 501
 - Interest on claims against United States 626
 - Liquidated damages or alternative promises 618
- Decedents' Estate**
 - See *Descent and Distribution, Executors and Administrators*
- Descent and Distribution**
 - Presumption of death of absent devisee 201
 - Receipt for advancement as barring heir from further share in intestate's estate 88
- Debtor and Creditor**
 - Liability of debtor on an executory accord 82
- Deeds**
 - Power to set aside conveyance executed in consideration of support 402
 - Presumption of acceptance of beneficial grant 403
 - Right of grantor to cancel deed delivered in escrow to agent 414
- Delivery**
 - Deposit of bonds to be delivered at donor's death as gift *inter vivos* 745
 - Right of grantor to cancel deed delivered to agent in escrow 414
- Deposits**
 - See *Banks and Banking*
- Disseisin**
 - See *Adverse Possession, Ejectment*
- Distribution**
 - See *Descent and Distribution*
- Due Process**
 - See *Police Power*
- Easements and Licenses**
 - Easement in gross: assignability of 813
- Ecclesiastical Law**
 - Regression of ecclesiastical jurisdiction 594
- Embezzlement**
 - Liability of creditor who *bona fide* receives converted money from embezzler in payment of debt 195
- Employers' Liability Act**
 - See *Workmen's Compensation*

Equity

- Effect of changed conditions on restrictive building covenant 287
- Equitable relief against forfeitures in land sales 65
- Fraudulent misrepresentation of vendor as bar to specific performance 92
- Mistake of law as ground for rescission of instrument 502
- Mutuality in actions for specific performance 831
- Power to set aside conveyance executed in consideration of support 402
- Specific performance of contract to convey land in consideration of support 89

Escrow

See *Delivery*

Evidence

- Admission by federal court of evidence illegally seized by state officer 285
- Admissibility of evidence unlawfully obtained 626, 745
- Parol evidence of mistake in conveyance of land 624
- Privileged communication: personal testimony of party as waiver of 93
- Privilege against self-incrimination in bankruptcy proceedings 512
- Unnecessary difficulties of proof 436-451
 - : proof of delivery 437
 - : mailing letters 439
 - : telephone conversations 441
 - : authenticity of letters 443
 - : authenticity of telegrams 444
 - : proving documents by copy of copy 445
 - : refreshing recollection by copies of documents 446
 - : transactions with deceased persons 447

Extradition

- Constructive presence at the *situs* of crime as supporting extradition 287

Federal Courts

See *Courts*

Fire Insurance

See *Insurance*

Fixtures

- Test as to when personalty attached to land becomes realty 199

Foreign Corporations

See *Corporations*

Forfeiture

- Equitable relief against forfeitures in land sales 65
- Forfeiture for breach of condition in insurance policy 737
- Liability of owner to forfeit automobile carrying intoxicating liquor in violation of statute 197

Fraud

- Fraudulent misrepresentation of vendor as bar to specific performance 92
- Liability of maker of note to bank for purpose of puffing its assets 730
- Rehypothecation of securities by pledgee as "debt fraudulently contracted," giving pledgor power to attach property of pledgee 183
- Rescission for fraud and preference in bankruptcy 267

Fraudulent Conveyance

- Application of Bulk Sales Act to unliquidated claims *ex delicto* 622

Freedom of Speech and Press

- Advocacy of overthrow of government by force 295
- Constitutionality of statute providing for censorship of "current event" motion pictures 185

Freight

- Liability of terminal carrier for damage occasioned on connecting line 84
- Lien on ship for non-acceptance of freight 744
- Limitation of carrier's liability for negligent diversion of goods carried at owner's risk 85

Future Interests

- See *Vested, Contingent, and Future Interests*

Gaming

See *Illegal Contracts*

Gifts

- Deposit of bonds to be delivered at donor's death 745

Guardian and Ward

- Infant husband: necessity to defend by guardian *ad litem* 408

Habeas Corpus

- History of the writ of *habeas corpus* 524

Homicide

- Homicide committed in the course of a conspiracy 500

Husband and Wife

- Action for services by wife against husband 188
- Ante-nuptial agreement not to support 626

Alimony pendente lite for husbands 478

Alimony without separate maintenance or divorce 512

Community property: liability of for payment of legal services 626

Community property: liability of for debt of husband 405

Homestead property subject to lien for alimony 850

Right of wife to sue husband for negligence 196

Refusal of marital intercourse as ground for divorce 404

- Right of action of married woman
against golf club, of which husband
is habitué, for loss of consortium 181
- Illegal Contracts**
Applicability of in *pari delicto* theory
to attorney and client 745
Gaming losses: right of trustee in
bankruptcy to recover 744
Validity of contract to procure elec-
tion of trustee in bankruptcy 401
- Impossibility**
See *Contracts*
- Imputed Negligence**
See *Contributory Negligence*
- Income Taxation**
Deductions from taxable income 399
Relief from double taxation of per-
sonal incomes 757-778
—: reliefs depending on limitations of
jurisdictions 757
— the personal aspect of income tax-
ation 760
— the property aspect of income tax-
ation 762
— the excise aspect of income tax-
ation 764
—: voluntary reliefs from double in-
come taxation 769
— relief from double income tax in
British Empire 770
— relief from double income tax in
United States 774
- Incompetent Persons**
Capacity of infant to appoint agent 295
- Independent Contractor**
See *Agency, Master and Servant*
- Infants**
Capacity of infant to appoint agent 295
Extent of parent's duty to support 825
Infant husband: necessity to defend
by guardian *ad litem* 408
Legitimation by adoption as confer-
ring status recognized in foreign jur-
isdiction 86
Welfare of child as determining factor
in conflicting rights of custody 746
Whether child in custody of divorced
mother is dependent upon father
within meaning of workmen's com-
pensation act 848
- Injunctions**
Right of one who incurs special dam-
age to enjoin violation of statute 746
Right to restrain former employee
from soliciting customers, knowl-
edge of whom he acquired in course
of employment 197
The injunction in railway strikes 166
Use of trade-name by another as
ground for injunction 201
- Insolvency**
Bankrupt's occupational status deter-
mined at date of act of bankruptcy 184
Buyer's insolvency as justification for
seller's breach of contract 91
- Insurance**
Acceptance of premiums as waiver of
necessity of insurable interest 296
Accident: when duty to give notice of
arises 621
Constitutionality of statute binding in-
surance company on application, un-
less rejected by telegraph within
twenty-four hours 413
Engagement in military service in time
of war as bar to recovery on policy,
though death is caused by accident 94
Fire insurance: resuscitation of the
warranty in 274
Forfeiture for breach of condition 737
Limitation of action binding against
minor beneficiary 289
Right to recover premiums paid when
risk never attached 197
- Interest and Usury**
Distinction between sale and loan 411
- International Law**
National prohibition and international
law 259
Right of Alien Enemy Property Cus-
todian to take possession after dec-
laration of peace of alien property
which has been demanded before
"end of the war" 405
- Interpleader**
When interpleader is granted 513
- Interstate Commerce**
Commencement of interstate journey 849
Misquotation of interstate rates 734
Recapture of earnings provisions of
the Transportation Act, 1920 213-223
State tax upon anthracite coal as regu-
lation of interstate commerce 406
- Interstate Commerce Commission**
See also *Interstate Commerce*
Federal valuation of railroads 37-52
—: uses of Bureau of Valuation un-
der the Transportation Act, 1920 46
—: uses of Bureau of Valuation not
mentioned in the Act 49
- Intoxicating Liquors**
Admissibility of illegally obtained evi-
dence in prosecution for violation of
liquor laws 745
Collection of penalty as "tax" on
liquor 617
Enforcement by state courts of na-
tional prohibition act 512
Legal search and arrest under eight-
eenth amendment 490
Liability of owner to forfeit automo-
bile carrying liquor in violation of
statute 197
National prohibition and international
law 259

- Inventions**
See *Patents*
- Joint Wrongoers**
Intention in joint torts 538
- Judges**
See *Courts*
- Judgments**
The limits of judicial discretion 339-352
Validity of judgment rendered against all members of partnership only one member of which is served with process 296
- Jurisdiction**
Enforcement by state courts of national prohibition act 512
Extent of admiralty jurisdiction in relation to application of workmen's compensation acts 283
Regression of ecclesiastical jurisdiction 594
Suit upon contract to purchase land cognizable at *situs* 189
- Jurisprudence**
Juridical limitations on the power of the state 425-435
The limits of judicial discretion 339-352
The concept of public service 425-435
- Jury**
Distinction between preponderance of evidence and sustaining burden of proof 731
Recommendation by jury to donate amount of verdict to charity 298
Setting aside verdict because of jurors' affidavits showing mistake 503
Waiver of trial by jury of twelve men 296
- Labor**
See *Trade Unions*
- Landlord and Tenant**
Failure to exercise option to renew lease within stipulated time as bar to specific performance 409
Priority of farm laborer's statutory lien over landlord's claim to growing crops 738
- Larceny**
Conversion by stockbroker of money received for purchase of stock on margin: larceny 286
Larceny by trick distinguished from obtaining property by false pretenses 619
- Lateral Support**
See *Support*
- Law Reform**
See also *Legal Education, Military Law*
Developing ethics and resistant law 109-122
—: scientific information vs. law 111
—: changing social standards vs. law 113
—: physical and mental defects vs. law 116
—: industrial changes vs. law 117
Proposed reforms in American criminal law 368-375
Reforms in system of military justice 146-155
- Law School**
Law School 1922-23 54-56
- Legal Analysis and Terminology**
Definition of "right" 157
Rights and privileges in labor controversies 809
"Rights" of adjoining owners in party walls 398
- Legal Education**
Developing ethics and resistant law 109-122
—: scientific information vs. law 111
—: changing social standards vs. law 113
—: physical and mental defects vs. law 116
—: industrial changes vs. law 117
The theory of legal education 353-367
- Legal Ethics**
See *Attorneys*
- Legal History**
History of special verdicts and special interrogatories 575-592
—: special verdicts 575
—: special interrogatories 591
Prerogative writs in English law 523-534
—: *habeas corpus* 524
—: *quo warranto* 527
—: *certiorari* 528
—: *mandamus* 529
The genesis of the lien theory in law of mortgages 233-246
The growth of intention as a rule of law 535-552
—: partnership 535
—: joint tort-feasors 538
—: liquidated damages 546
The Roman elements in Bracton's treatise 751-756
- Libel and Slander**
Honest belief in truth of the matter asserted as privilege 80
Liability where publication is due to disclosure by plaintiff 90
Privilege of judge while acting in his judicial capacity 414
Right of corporation to sue for libel 187
- Liens**
Priority of conditional vendor's lien over non-statutory lien 623
Lien on ship for non-acceptance of freight 744
- Limitation of Actions**
Changing from remedy under federal act to remedy under state statute 198
Limitation of action in insurance policy binding against minor bene-

- ficiary 289
Malicious Prosecution
 Malicious prosecution for actions not involving arrest or seizure 200
 Probable cause a question for jury 198
Mandamus
Mandamus to compel recognition as officer of private corporation 503
 Writ of *mandamus*: history of 529
 Writ to compel town to levy tax 746
Marriage and Divorce
 Alimony *pendente lite* for husbands 478
 Alimony without separate maintenance or divorce 512
 Effect of reconciliation upon judgment of separation from bed and board 620
 Full faith and credit to *ex parte* foreign divorce decrees 732
 Homestead property subject to lien for alimony 850
 Necessity of infant husband to defend by guardian *ad litem* 408
 Recognition of divorce granted in foreign country 842
 Refusal of marital intercourse as ground for divorce 404
Massachusetts Trusts
 See *Voluntary Associations*
Master and Servant
 Duration of employment contracts 850
 Law and the railroad labor problem 553-574
 Liability of master for injury to invitee 195
 Independent contractor: liability of 290
 Liability of owner of land for damage caused by his independent contractor's negligence in failing to provide lateral support 407
 Sunstroke as hazard connected with employment 514
 The minimum wage and liberty of contract 388, 829
Military Law
 Reforms in system of military service 146-155
Minimum Wage
 The minimum wage and liberty of contract 388, 829
Misrepresentation
 Fraudulent misrepresentation of vendor as bar to specific performance 92
Mistake
 Parol evidence of mistake in conveyance of land 624
 Right to recover for services rendered by woman believing herself to be married 507
Monopolies
 See *Anti-Trust Laws*
Mortgages
 Effect of statute of limitations on equitable mortgage 611
 Ejectment of mortgagee in possession after default 739
 Special assessment v. mortgage lien 460-469
 —: general features of special assessments 460
 —: mortgage given before enactment of statute 468
 —: priority of assessment lien under statute 462
 —: priority of assessment lien implied from statute 464
 —: where statute is silent as to priority 467
 The genesis of the lien theory 233-246
Municipal Corporations
 Constitutionality of zoning laws 833
 Immunity of municipality from tort liability when acting in governmental capacity 410
 Liability of bond commissioner for loss of public funds 290
Mandamus to compel town to levy tax 746
 Right of municipality to prohibit operation of jitneys on certain streets 190
 The use of municipal ordinances in the determination of a felony 720
 Validity of ordinance providing against goats being left within fifty feet of a dwelling house 280
 Waiver of privilege to shut off water 415
 Whether collection of garbage is governmental or corporate duty 198
Murder
 See *Homicide, Criminal Law*
Mutuality
 See *Specific Performance, Contracts*
Nationality
 Effect of marriage to American citizen of alien woman ordered to be deported 840
 Eligibility of Japanese to citizenship 510
 Eligibility of Hindu to citizenship 625
 Presumption of loss of citizenship by naturalized alien 195
Naturalization
 See *Nationality, Aliens*
Navigable Waters
 See *Waters and Watercourses*
Negligence
 Construction of statute regulating carrier's liability for negligence 745
 Degree of care required of proprietor of amusement device 841
 Liability of golf club for injury to traveler on highway 181
 Liability of owner of land for death of children resulting from bathing in poisonous pool of water 200

- Liability of one who is negligent for improbable but proximate consequences 276
 Liability of attorney for damages proximately resulting from negligent performance of professional duties 279
 Liability of manufacturer of bottled beverages 297
 Liability of electric company for injuries to child caused by charged wire 298
 Liability of landlord for injuries to guest of tenant 742
 Manner of pleading cause of action based on negligence 483
Negotiable Instruments
 See *Bills and Notes*
New Trial
 See *Practice*
Nuisance
 Application of law of nuisance to unregistered automobiles 394
 Damage from erection of building—*Rylands v. Fletcher* 498
 Golf course as public nuisance 181
Nuncupative Wills
 See *Wills*
Offer and Acceptance
 Presumption of acceptance of beneficial grant 403
 Silence as acceptance 511
Options
 Failure to exercise option to renew lease within stipulated time as bar to specific performance 409
Ordinance
 See *Municipal Corporations, Police Power*
Pardons
 See *Criminal Law*
Parole
 See *Criminal Law*
Partnership
 Intention as test of partnership 535
 Interest of partner in specific firm real estate 845
 Oral agreements to deal in land 504
 Partnership liability of stockholders in *de facto* corporation 402
 Service of process on one partner binding on all 296
Party Walls
 Rights of adjoining owners in party wall 398
Patents
 Interest of employer in invention of employee 505
Persons
 Ante-nuptial agreement not to support 626
 Action by wife against husband for services 188
 Extent of parent's duty to support 825
 Right of wife to sue husband for negligence 196
 Welfare of child as determining factor in conflicting rights of custody 746
Personal Property
 Test as to when personalty attached to land becomes realty 199
Physicians and Surgeons
 Implied obligation to pay physician requested to serve third person 186
 Personal testimony of party as waiver of privileged communications 93
Pleading
 See also *Practice*
 Aider of cross-complaint by other pleadings 291
 Equitable defenses 645-657
 Joinder of actions and of parties 384
 Manner of pleading cause of action based on negligence 483
 Union of law and equity and trial by jury under the codes 707
 When interpleader is granted 513
Pledges
 Rehypothecation of securities by pledgee as "debt fraudulently contracted," giving pledgor power to attach property of pledgee 183
Police Power
 Constitutionality of zoning laws 833
 Compulsory payment of opponent's attorney's fee 401
 Impairing obligation of contract 511
 Laws fixing prices in ordinary and public service businesses 29-36
 May the government without compensation create a new front estate between original riparian owner and navigable channel? 1-14
 Right of municipality to prohibit operation of jitneys on certain streets 190
 Special assessment v. mortgage lien 460-469
 —: general features of special assessments 460
 —: priority of assessment lien under statute 462
 —: priority of assessment lien implied from statute 464
 —: where statute is silent as to priority 467
 —: mortgage given before enactment of statute 468
 Validity of ordinance providing against goats being left within fifty feet of a dwelling house 280
 Validity of statute binding insurance company on application, unless rejected by telegraph within twenty-four hours 413
 Validity of statute providing for conciliation certificate as condition precedent to trial 616
Polygamy
 Polygamy and the conflict of laws 471

- Possession**
 Possessory rights of thief 497
 Title to land by innocent mistaken possession 510
- Powers**
 Failure of donee under will to exercise power of appointment 742
- Practice**
 Amendments restating cause of action 198
 Distinction between preponderance of evidence and sustaining burden of proof 731
 Equitable defenses 645-657
 History of special verdicts and special interrogatories 575-592
 —: special verdicts 575
 —: special interrogatories 591
 Joinder of actions and of parties 384
 Number of judges required in federal court to obtain injunction based on constitutionality of statute 621
 Probable cause in malicious prosecution a question for the jury 198
 Recommendation by jury to donate amount of verdict to charity 298
 Right of state to retrial in criminal cases 93
 Setting aside verdict because of jurors' affidavit showing mistake 503
 Splitting cause of action for injuries to person and property 190
 Union of law and equity and trial by jury under the codes 707
 Validity of general verdict supported by one good count 513
 Waiver of trial by jury of twelve men 296
 Whether void summons may be amended 297
- Presumptions**
 Presumption of acceptance of beneficial grant 403
 Presumption of death of absent devisee 201
- Priorities**
 See *Bankruptcy, Receivers*
- Privileged Communications**
 See *Evidence, Libel and Slander, Physicians and Surgeons*
- Procedure**
 See *Practice*
- Process**
 Service of process on one member of partnership binding on all 296
 Whether void summons may be amended 297
- Prohibition**
 See *Intoxicating Liquors*
- Proximate Cause**
 Liability of attorney for damages proximately resulting from negligent performance of professional duties 279
 Liability of negligent person for improbable but proximate consequences 276
- Public Officers**
 See *Administrative Law*
- Public Service Commission**
 Valuation in rate-making 390
- Public Service Law**
 Apportionment of joint rates under Transportation Act, 1920 625
 Contract of hire constituting common carrier 841
 Evaluation of stock of going concern 614
 Federal valuation of railroads 37-52
 —: uses of Bureau of Valuation under the Transportation Act of 1920 46
 —: uses of Bureau of Valuation not mentioned in the Act 49
 "Going concern value" in rate-making 507
 Innovations under Transportation Act, 1920 658-675
 —: consolidation of railroads into limited systems 658
 —: establishment of labor and adjustment boards 661
 —: securing fair return on capital 666
 Laws fixing prices of ordinary and public service businesses 29-36
 Misquotation of interstate rates 734
 Proprietor of amusement device as common carrier 841
 Recapture of earnings provisions of the Transportation Act, 1920 213-223
 Rights of the state and adjacent owners of property in the maintenance and operation of railroads 247-257
 The privilege of public utility to withdraw from service 75
 Valuation in rate-making 390
- Publication**
 See *Libel and Slander*
- Public Utilities**
 See *Public Service Law*
- Quasi Contracts**
 Employee's remedies upon wrongful discharge 196
 Recovery of money paid under mutual mistake of fact 199
 Right of wife to recover from husband upon a *quantum meruit* for services 188
 Services rendered by woman believing herself to be married 507
- Quo Warranto**
 History of the writ of *quo warranto* 527
- Railways**
 Federal valuation of railroads 37-52
 —: uses of Bureau of Valuation under the Transportation Act of 1920 46
 —: uses of Bureau of Valuation not mentioned in the Act 49
 Innovations under Transportation Act of 1920 658-675
 —: consolidation of railroads into limited systems 658

- : establishment of labor and adjustment boards 661
- : securing fair return on capital 666
- Law and the railroad labor problem 553-574
- Rights of the state and adjacent owners of property in the maintenance and operation of railroads 247-257
- The injunction in railway strikes 166
- Rate Regulation
 - Federal valuation of railroads 37-52
 - : uses of Bureau of Valuation under the Transportation Act of 1920 46
 - : uses of Bureau of Valuation not mentioned in the Act 49
 - "Going concern value" in rate-making 507
 - Valuation in rate-making 390
- Real Property
 - Adverse possession in case of tenants in common 744
 - Assignability of easements in gross 813
 - Constructive adverse possession of tracts separately described in void deed 839
 - Covenants against encumbrances 297
 - Definition of exclusiveness in adverse possession 199
 - Determination of boundary by bank of river 627
 - Distinction between vested and contingent remainders 288
 - Doctrine of privity of estate in connection with real covenants 123-145
 - Ejectment of mortgagee in possession after default by mortgagor 739
 - Equitable relief against forfeitures in land sales 65
 - May the government without compensation create a new front estate between original riparian owner and navigable channel? 1-14
 - Rights of adjoining owners in party wall 398
 - Right of grantor to cancel deed delivered to agent in escrow 414
 - Special assessment v. mortgage lien 460-469
 - : general features of special assessments 460
 - : priority of assessment lien under statute 462
 - : priority of assessment lien implied from statute 464
 - : where statute is silent as to priority 467
 - : mortgage given before enactment of statute 468
 - Test as to when personalty attached to land becomes realty 199
 - The genesis of the lien theory in the law of mortgages 233-246
 - Title to land by innocent mistaken occupation 510
 - Transfer of executory contingent interest 737
 - Whether gifts not separated by donor will be separated by courts to save them from the rule against perpetuities 56
- Receivers
 - Priority of wages due manager of bankrupt corporation 400
- Remainders
 - See *Vested, Contingent, and Future Interests*
- Removal of Causes
 - Suit in court of state of which neither party is resident 747
- Replevin
 - See *Replevin and Detinue*
- Replevin and Detinue
 - Privilege of vendor in conditional sale to replevy property after suing for purchase price 191
- Rescission
 - Mistake of law as ground for rescission of instrument 502
 - Rescission for fraud and preference in bankruptcy 267
- Res Ipsa Loquitur
 - See *Negligence*
- Restraint of Trade
 - Contracts in restraint of trade 514
- Riparian Rights
 - See *Waters and Watercourses*
- Robbery
 - Distinction between robbery and extortion 195
- Rule Against Perpetuities
 - Whether gifts not separated by donor will be separated by courts to save them from the rule against perpetuities 56
- Sales
 - Application of Bulk Sales Act to unliquidated claims *ex delicto* 622
 - Buyer's insolvency as justification for seller's breach of contract 91
 - C. i. f. contracts in American law 711
 - Co-operative marketing 819
 - Destruction of subject matter by cause unknown to parties at time of contract 408
 - Distinction between sale and loan 411
 - Distinction between chattel mortgages and conditional bills of sale 602
 - Election of remedies by seller after anticipatory breach 508
 - Priority of conditional vendor's lien over non-statutory lien 623
 - Privilege of vendor to replevy property after suing for purchase price 191
 - Remedies by buyer upon breach of warranty 739
 - Resale price maintenance 676-705
 - Right of vendor, after refusing to perform contract, to sell to third person 380
 - Seller's liability for breach of implied warranty of quality as surviving ac-

- ceptance 845
 Statute of Frauds and failure to state
 consideration in memorandum 740
- Salvage**
 See *Admiralty*
- Searches and Seizures**
 See *Constitutional Law*
- Set-off and Counterclaim**
 Duty of bank to set off deposit of in-
 dorser 284
- Sherman Anti-Trust Act**
 See *Anti-Trust Laws*
- Ships and Shipping**
 C. i. f. contracts in American law 711
 Lien on ship for non-acceptance of
 freight 744
 Place of suit in libel *in personam*
 against United States 839
- Specific Performance**
 Failure to exercise option within sti-
 pulated time 409
 Fraudulent misrepresentation of ven-
 dor as bar to specific performance 92
 Mutuality as condition precedent to
 specific performance of agreement
 to execute oil lease 200
 Mutuality in actions for specific per-
 formance 831
 Parol evidence of mistake in convey-
 ance of land 624
 Possession under oral contract of pur-
 chase of land as supporting decree
 for specific performance 846
 Specific performance of oral contract
 to convey land in consideration of
 support 89
 Specific performance of contract for
 sale of land situated in foreign state,
 when defendant is non-resident 192
 Specific performance of contract to de-
 vise in consideration of filial ser-
 vices 415
 Specific performance of contract con-
 taining provision to arbitrate 415
- Statutes**
 Constitutionality of retroactive stat-
 utes 400
 Construction of penal statute 513
 Construction of statute regulating car-
 rier's liability for negligence 745
 Necessity of definiteness in statutes
 imposing criminal liability 291
- Statute of Frauds**
 Necessity of statement of considera-
 tion in memorandum 740
 Oral agreements to deal in land 504
 Parol trust of land 509
 Parol evidence of mistake in convey-
 ance of land 624
 Possession alone as sufficient part per-
 formance to take oral contract of
 purchase of land out of statute of
 frauds 846
 The statute of frauds and the conflict
 of laws 311-338
- : English law 311
 —: American law 314
 —: Continental law 318
- Statute of Limitations**
 Effect of statute of limitations on
 equitable mortgage 611
 Loss of action for wrongful death af-
 ter reliance upon unconstitutional
 statute 625
- Stockbrokers**
 See *Brokers*
- Street Railways**
 Construction of statute regulating car-
 rier's liability for negligence 745
- Strike**
 See *Trade Unions*
- Subrogation**
 Subrogation where money is fraudu-
 lently appropriated for payment of
 debt 297
- Support**
 Liability of owner of land for damages
 caused by his independent contrac-
 tor's negligent failure in providing
 lateral support 407
- Suretyship and Guaranty**
 Liability of surety on appeal bond
 when appeal is abandoned 741
 Right to recover premium paid on
 surety bond when risk never at-
 taches 197
 Right of one from whom money is
 stolen to recover from surety of
 thief, by subrogation to right of
 creditor to whom thief paid the
 stolen money 297
- Taxation**
 Deductions from taxable income 399
 Exemptions under inheritance tax on
 property conveyed in consideration
 of promise to devise 415
 Relief from double taxation of per-
 sonal incomes 757-778
 —: reliefs depending on limitations of
 jurisdictions 757
 — the personal aspect of income tax-
 ation 760
 — the property aspect of income tax-
 ation 762
 — the excise aspect of income tax-
 ation 764
 —: voluntary relief from double in-
 come taxation 769
 — relief from double income tax in
 British Empire 770
 — relief from double income tax in
 United States 774
 State tax upon anthracite coal as regu-
 lation of interstate commerce 406
 Tax on contingent remainders 847
- Telegraph and Telephone Companies**
 Amount recoverable for failure to
 transmit cable transfer of exchange
 179
 Notice of limitation of liability for
 unrepeatd message 416

- Tenancy in Common**
See *Co-tenancy*
- Title**
See *Possession*
- Torts**
Assumption of risk in maritime law 280
Damage from erection of building—
 Rylands v. Fletcher 498
Distinction between assumption of risk
 and contributory negligence 193
Extent of admiralty jurisdiction in re-
 lation to application of workmen's
 compensation acts 283
Failure to avert known danger as bar
 to recovery 416
Immunity of municipality from tort
 liability when acting in governmental
 capacity 410
Liability of golf club for injury to
 traveler on highway 181
Liability of master for injury to in-
 vitee 195
Liability of city for personal injuries
 caused by negligence of driver of
 truck used by city in gathering gar-
 bage 198
Liability of negligent person for im-
 probable but proximate consequences 276
Liability of manufacturer of bottled
 beverages for injuries caused by
 ground glass in bottle 297
Liability of electric company for in-
 jury to child caused by charged
 wire 298
Liability of owner of land for dam-
 ages caused by his independent con-
 tractor's negligent failure to provide
 lateral support 407
Liability of landlord for injury to
 guest of tenant 742
Limitation of carrier's liability for
 negligent diversion of goods carried
 at owner's risk 85
Malicious injury of another in his
 trade 194
Malicious prosecution for actions not
 involving arrest or seizure 200
Probable cause in malicious prosecu-
 tion a question for the jury 198
Responsibility of owner of automobile
 for injuries to passenger when car
 is operated by another 192
- Trade-Marks and Trade-Names**
Use of trade-name by another as
 ground for injunction 201
Use of trade-marks on genuine goods 627
- Trade Secrets**
Right to restrain former employee
 from soliciting customers, knowl-
 edge of whom he acquires in course
 of employment 197
- Trade Unions**
Labor union as a legal entity 59
- Law and the railroad labor problem 553-574
Overthrow of government by mass
 strike as felonious "advocacy of
 criminal anarchy" 178
Privilege of labor union to induce
 breach of contract 171
Rights and privileges in labor con-
 troversies 809
The right to strike 99-108
The injunction in railway strikes 166
- Trial**
See *Practice*
- Trover and Conversion**
Damages recoverable for conversion
 of bank book 501
Necessity of demand and refusal in
 action of trover 292
Rehypothecation of securities by
 pledgee as "debt fraudulently con-
 tracted," giving pledgor power to at-
 tach property of pledgee 183
- Trusts**
Diversion by executor of funds of one
 estate to cover defalcations in an-
 other estate 293
Duties of banks as depositaries of
 trust funds 377, 744
Liability of bank on special deposits 410
Parol trust of land 509
Profits of trustee from dealings with
 cestui 747
Removal of trustee 851
Revocation by sole beneficiary 747
Specific deposits to meet interest pay-
 ments 851
Trusts to bring about changes in ex-
 isting laws 295
- Unfair Competition**
Contracts in restraint of trade 514
Use of trade-name by another as
 ground for injunction 201
- Ultra Vires**
See *Corporations*
- Unions**
See *Trade Unions*
- Usury**
See *Interest and Usury*
- Valuation**
See *Public Service Law, Rate Regula-
 tion*
- Verdict**
See *Practice*
- Vendor and Purchaser**
Fraudulent misrepresentation of ven-
 dor as bar to specific performance 92
Privilege of vendor in conditional sale
 to replevy property after suing for
 purchase price 191
Remedy of buyer upon breach of
 warranty 739
- Vested, Contingent, and Future Inter-
 ests**

- | | | | |
|--|------|--|-----|
| Distinction between vested and contingent remainders | 288 | Necessity of witness to nuncupative will to understand language in which it is dictated | 298 |
| Transfer of executory contingent interest | 737 | Presumption of death of absent devisee | 201 |
| Voluntary Associations | | Revocation of wills | 396 |
| Partnership liability of shareholders in business trust in which shareholders have power to amend trust agreement | 83 | Revocation implied from divorce with property settlement | 627 |
| Wages | | Whether remainder in issue of life tenant is to be implied from a gift over on definite failure of issue | 743 |
| See <i>Master and Servant, Minimum Wage</i> | | Words and Phrases | |
| Waiver | | Cause of action | 506 |
| See <i>Insurance</i> | | C. i. f. contracts | 712 |
| War | | Criminal anarchy | 178 |
| Engagement in military service in time of war as bar to recovery on insurance policy, though death is caused by accident | 94 | Discretion | 339 |
| Warranty | | Distinction between easement and real covenant | 123 |
| See <i>Insurance</i> | | Ethics | 119 |
| Waters and Watercourses | | Resale price maintenance | 676 |
| May the government without compensation create a new front-estate between original riparian owner and navigable channel? | 1-14 | "Right" | 157 |
| Wills | | Workmen's Compensation | |
| Contingent wills | 851 | Death while obeying direct command | 416 |
| Effect upon a prior and existing will of the revocation of a subsequent will containing an express revocatory clause | 70 | Dependency of children after divorce of parents | 848 |
| Effect of undue influence | 294 | Extent of admiralty jurisdiction in relation to application of workmen's compensation acts | 283 |
| Failure of donee to exercise power of appointment | 742 | Sunstroke as hazard connected with employment | 514 |
| | | Whether injury while repairing engine withdrawn from interstate service is compensative under Federal Employers' Liability Act | 89 |